

ENTERED

February 09, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**DWIGHT RUSSELL, *et al.*,

Plaintiffs,

v.

HARRIS COUNTY, TEXAS, *et al.*,

Defendants.

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CIVIL ACTION NO. H-19-226

ORDER

The plaintiffs move to modify the scheduling order under Federal Rule of Civil Procedure 16(b), citing good cause. (Docket Entry No. 388). “The good cause standard requires the party seeking relief to show that the deadlines cannot reasonably be met despite the diligence of the party needing the extension.” *S&W Enters., L.L.C. v. SouthTrust Bank of Ala., NA*, 315 F.3d 533, 535 (5th Cir. 2003) (quotation omitted).

The plaintiffs have diligently pursued discovery, despite delays from the interlocutory appeal, negotiations about dismissing the Felony Judges, and the need to address the intervening authority in *Daves v. Dallas County*, No. 18-11368 (5th Cir. Dec. 28, 2020). The interests of the parties and of justice will be served by allowing more time to complete necessary depositions and document production.

The motion to modify the scheduling and docket control order, (Docket Entry No. 388), is granted. Because the Felony Judges are no longer parties to this case, their motion for a stay of discovery, (Docket Entry No. 351), is denied as moot.

The court will address any discovery disputes, whether based on third party requests or

otherwise, as they arise.

SIGNED on February 9, 2021, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a large, stylized "L" and "R".

Lee H. Rosenthal
Chief United States District Judge